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TO COUNTY ASSESSORS:

No. 2001/047

PROPERTY TAX FORMS QUESTIONS AND ANSWERS

Recently Board staff have received a number of questions concerning property tax forms. To help facilitate the form process, frequently asked questions, with answers, are enclosed. The questions and answers deal with Board-prescribed forms, the use of penalty statements, Revenue and Taxation Code section 5365 aircraft forms, and other form topics.

If you have any further questions, please call Mr. Lloyd B. Allred at (916) 324-7361 or e-mail at Lloyd.Allred@boe.ca.gov.

Sincerely,

/s/ Richard C. Johnson

Richard C. Johnson
Deputy Director
Property Taxes Department

RCJ:lba:cg
Enclosure

Property Tax Forms
Questions and Answers

Question 1: May an assessor's office include a request for additional data with a Board-prescribed property statement, production report, or expense data sheet?

Answer 1: Yes, provided that such requests are not made a *part* of the Board-prescribed property statement, production report or expense data sheet, or a part of the instructions that accompany such forms. If a county desires to include additional information concerning the property statement, that information must be on a separate sheet and not associated with the Board-prescribed property statement and instructions as "Official Notice," "Official Tax Document," or any other similar type of identification.

Question 2: May an assessor's office apply the late filing (or non-filing) penalty to the additional requests as he or she would with the property statement, production report and expense data sheet?

Answer 2: No. If the taxpayer returns the property statement, production report, or expense data sheet within the specified time period, the section 463¹ penalty may not be applied even if the requested additional information is not included. The assessor has the authority under section 441(d) to request such information, but the section 463 penalty applies only when a taxpayer fails to file timely as required by section 441(a). It is important not to include the requests for additional information as part of any penalty statements that are applicable to Board-prescribed forms.

Question 3: Must the assessor's office use only Board-prescribed forms?

Answer 3: No. The assessor's office may use whatever forms he or she desires, as long as the forms do not include any type of statement that a penalty may be applied, for non-filing or late-filing of those forms.

Question 4: Does the penalty imposed pursuant to section 5367 apply when a non-Board-prescribed form is used for the aircraft property statement?

Answer 4: Yes. Currently, there is no Board-prescribed aircraft property statement. Under section 5365, the county may request from the taxpayer the make, model and year of manufacture of an aircraft. Failure of the aircraft owner to provide that information within the time specified by the assessor results in a penalty under section 5367. However, failure to comply with requests for additional information—other than make, model, and year of manufacture—are not subject to penalty.

Question 5: If a rearranged form was approved in previous years, and the format has not been changed for the current year, will it be approved in the current year?

¹ All Statutory references are to the Revenue and Taxation Code unless otherwise indicated.

Property Tax Forms
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Answer 5: No. Approval in prior years does not automatically mean approval for the current year. In some instances, although a form was previously approved, additional review of applicable statutes and regulations, in consultation with the Board's Legal staff, have led staff to conclude that the form did not comply with law.

Question 6: What is the Assessment Practices Survey team looking for when they review the forms that the county assessor is using?

Answer 6: The survey team collects copies of all the forms that the county assessor uses, except for internally used forms. Those forms are compared to what the county submitted to the Board for use or non use and prototype or rearranged, to ensure that the county is publishing the form in the format approved for use in that county. The survey team also reviews county-designed forms to ensure that they do not include language that would imply the improper assessment of a penalty, or language that is considered confusing or inappropriate.